

## Message Text

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ACTION EUR-12

INFO OCT-01 ISO-00 CIAE-00 DODE-00 PM-04 H-02 INR-07 L-03

NSAE-00 NSC-05 PA-01 PRS-01 SP-02 SS-15 USIA-06

AID-05 COME-00 EB-07 FRB-03 TRSE-00 XMB-02 OPIC-03

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FM AMEMBASSY WARSAW

TO SECSTATE WASHDC 9786

INFO AMEMBASSY BELGRADE

AMEMBASSY BERLIN

AMEMBASSY BUCHAREST

AMEMBASSY BUDAPEST

AMEMBASSY MOSCOW

AMCONSUL MUNICH

USMISSION NATO

AMEMBASSY PRAGUE

AMEMBASSY ROME

AMEMBASSY SOFIA

C O N F I D E N T I A L SECTION 1 OF 2 WARSAW 0916

ROME FOR SARROS

E.O. 11652: XGDS-1

TAGS: PINT, PFOR, PL

SUBJECT: SEJM PASSES CONTROVERSIAL CONSTITUTIONAL AMENDMENTS

REF: 75 WARSAW 6394 (NOTAL), 75 WARSAW A-393 (NOTAL),  
WARSAW 0525, WARSAW 0748 (NOTAL)

1. SUMMARY: THE POLISH SEJM ON FEBRUARY 10 PASSED WITH  
ONE DRAMATIC ABSTENTION THE CONSTITUTIONAL-AMENDMENT  
PACKAGE PRESENTED BY COUNCIL OF STATE CHAIRMAN HENRYK  
JABLONSKI, CHAIRMAN OF THE SPECIAL AMENDMENT COMMISSION.  
THE STATE STATED PURPOSE WAS TO UPDATE THE 1952 CONSTITUTION  
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TO REFLECT POLITICAL, SOCIAL, AND ECONOMIC CHANGES REGIS-

TERED SINCE THEN AND PROVIDE A GUIDEPOST FOR TASKS AHEAD, AS POLAND LAUCHES INTO A "NEW STATE" OF BUILDING "DEVELOPED SOCIALISM". IN A REMARKABLE PROCESS OF GIVE-AND-TAKE, THE FINAL LANGUAGE HAS BEEN SUBSTANTIALLY SOFTENED ON CONTROVERSIAL POINTS SUCH AS THE COMMUNIST PARTY'S LEADING ROLE, POLAND'S RELATIONSHIP WITH THE "SOCIALIST COMMONWEALTH", AND THE LINKAGE OF CITIZENS' RIGHTS AND DUTIES. THE RESULT IS A COMPROMISE ACHIEVED THANKS TO REGIME PERSPICACITY AND FLEXIBILITY IN THE FACT OF ASTUTE POLITICKING BY THE POLISH EPISCOPATE AND MODERATE CATHOLICS AND THE PRESSURE OF NUMEROUS PETITIONS BY INTELLECTUALS AND ARTISTIC CELEBRITIES. THE REGIME CAN CONGRATULATE ITSELF ON INSCRIBING THE MARXIST-LENINIST INGREDIENTS NECESSARY FOR IT TO KEEP PACE WITH ITS "FRATERNAL" NEIGHBORS, WHILE THE CATHOLIC CHURCH AND MODERATE INTELLECTUALS CAN CONSOLE THEMSELVES WITH A DRAFTING VICIOTY WHICH STVED OFF THE MORE EXTREME FORMULATIONS SUGGESTED LAST FALL (76 WARSAW 6394). HOWEVER, RADICAL CATHOLIC AND OTHER INTELLECTUALS WILL PROBABLY NOT BE SATISFIED, AND THEIR BEHAVIOR MAY AFFECT THE FUTURE OF THE ZNAK CIRCLE OF CATHOLIC DEPUTIES IN THE NEXT SEJM ELECTIONS SCHEDULED FOR MARCH 21. ANY FURTHER INITIATIVES BY THESE RADICALS OR THE MORE EXTREME DISSIDENTS (75 WARSAW A-393), THAT MIGHT TEMPT THE REGIME TO ABANDON ITS CURRENT ATTITUDE OF FOREBEARANCE IN FAVOR OF REPRESSIVE MEASURES, COULD WORSEN THE ALREADY ANXIOUS PUBLIC MOOD AS THE REGIME TRIES TO GRAPPLE WITH PRESSING ECONOMIC QUESTIONS IN THE MONTHS AHEAD. WE BELIEVE THE AUTHORITIES WILL OPT FOR RESTRAINT AND WILL BE JOINED BY THE CHURCH IN AN ATTEMPT TO MAINTAIN CALM. END SUMMARY.

2. ALTHOUGH THE REGIME BACKED AWAY FROM POSITIONS SUGGESTED EARLIER, IT HAS PROBABLY ACCOMPLISHED ITS BASIC OBJECTIVES. POLAND'S OFFICIAL NAME HAS NOT BEEN CHANGED TO THAT OF A SOCIALIST REPUBLIC, AS MANY HAD FEARED. INSTEAD, IT HAS SIMPLY BEEN PROCLAIMED A SOCIALIST STATE, BUT EPISCOPATE OFFICIALS HAVE TOLD US THEY CAN LIVE WITH THAT.

3. INSTEAD OF BEING NAMED THE "LEADING FORCE" OF SOCIAL-CONFIDENTIAL

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IST DEVELOPMENT, AS IN THE CONGRESS GUIDELINES ISSUED LAST SEPTEMBER, THE PARTY IS DECLARED TO BE THE "LEADING POLITICAL FORCE OF SOCIETY". ALTHOUGH THE REGIME SCORED A VICTORY BY INSCRIBING THE PARTY'S ROLE IN A CONSTITUTION THAT PREVIOUSLY MADE NO MENTION OF IT, EPISCOPATE OFFICIALS AND MODERATE CATHOLICS HAVE TOLD US THEY CAN ACCEPT THIS, ALBEIT GRUDGINGLY, SINCE IT ASCRIBES TO THE PARTY A POLITICAL QUALITY WITHOUT SUGGEST-

ING EXTENSION OF ITS AUTHORITY TO THE MORAL AND PHILOSOPHICAL REALM. ZNAK SPOKESMAN KONSTANTY LUBIENSKI EXPRESSED CONSIDERABLE RESERVATION ABOUT THIS POINT DURING THE SEJM DEBATE AND, JUDGING FROM PETITIONS DRAFTED SINCE THE FORMULATION WAS FIRST AIRED JANUARY 24 (WARSAW 0525), THE RADICALS REJECT IT.

4. AS EXPECTED, FORMULATIONS ON POLAND'S RELATIONSHIP TO THE SOCIALIST COMMUNITY DO NOT EXPRESS ALLEGIANCE TO THE SOVIET UNION, BUT ONLY "SOLIDARITY" WITH PROGRESSIVE FORCES AND DETERMINATION TO STRENGTHEN "FRIENDSHIP AND COOPERATION". THIS IS ANOTHER CONCESSION TO EPISCOPATE LOBBYING; HOWEVER, JUDGING BY THE TONE OF THEIR RECENT PETITIONS, THIS WILL NOT BE ACCEPTABLE TO THE RADICALS EITHER. THE SECTION ON PEACEFUL COEXISTENCE IS ALSO RETAINED.

5. IN LANGUAGE CONCERNING CITIZENS' RIGHTS AND DUTIES, THE EARLIER DEPICTION OF THESE AS "INSEPARABLY" LINKED HAS BEEN DROPPED IN FAVOR OF A SEPARATE SUBSECTION STATING THAT CITIZENS SHOULD "HONESTLY FULFILL" THEIR OBLIGATIONS. JABLONSKI CONCLUDED THAT THIS WOULD SUFFICE TO EMPHASIZE THE "UNITY OF RIGHTS AND OBLIGATIONS". PRELIMINARY SOUNDINGS SUGGEST THAT THIS COMPROMISE WILL MEET WITH GENERAL APPROVAL. THE SECTION ON CITIZENS' RIGHTS CONTAINS ADDED STIPULATIONS ACCORDING TO WHICH CITIZENS ARE EQUAL REGARDLESS OF "ORIGIN OR SOCIAL POSITION," WHICH WOULD MITIGATE THE DISTINCTIONS OF ORIGIN, SUCH AS WORKING CLASS, PEASANT, INTELLIGENTSIA, WHICH HAVE PREVIOUSLY BEEN RIGIDLY APPLIED.

6. AMONG OTHER NODS TO CATHOLICS, THE SECTION ON THE FRONT OF NATIONAL UNITY CONTAINS A PHRASE ACKNOWLEDG-

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ING NON-PARTY MEMBERS' PARTICIPATION "IRRESPECTIVE OF THEIR ATTITUDE TOWARD RELIGION". ELIMINATION OF A CLAUSE IN THE CONSTITUTION MAKING CRIMINALLY PUNISHABLE THE "MISUSE OF THE FREEDOM OF CONSCIENCE AND RELIGION FOR PURPOSES CONTRARY" TO THE STATE'S INTERESTS HAS BEEN LAUDED BY CATHOLICS. LUBIENSKI HAD CALLED THAT SECTION "REPRESSIVE".

7. ALTHOUGH THE RECENTLY-CONCLUDED CONGRESSES OF THE UNITED PEASANTS' PARTY (ZSL) AND DEMOCRATIC PARTY (SD) SHOULD HAVE DISPELLED ANY QUALMS ABOUT THEIR FUTURE EXISTENCE, THE CONSTITUTIONAL LANGUAGE DESCRIBING THEIR STATUS IN COOPERATION WITH THE PZPR SUGGESTS THAT THESE "TRANSMISSION BELTS" WILL CONTINUE TO BE A FEATURE OF POLAND'S POLITICAL LIFE. ON THE OTHER HAND, WE HAVE HEARD THAT PAX, THE REGIME-ORIENTED LAY CATHOLIC ORGANI-

ZATION, IS NOT HAPPY WITH THIS "RIGID" FORMULATION, SINCE IT EFFECTIVELY DENIES PAX THE STATUS OF A FULL-FLEDGED PARTY TO WHICH IT HAD REPORTEDLY ASPIRED.

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ACTION EUR-12

INFO OCT-01 ISO-00 CIAE-00 DODE-00 PM-04 H-02 INR-07 L-03

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R 130756Z FEB 76

FM AMEMBASSY WARSAW

TO SECSTATE WASHDC 9787

INFO AMEMBASSY BELGRADE

AMEMBASSY BERLIN

AMEMBASSY BUCHAREST

AMEMBASSY BUDAPEST

AMEMBASSY MOSCOW

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C O N F I D E N T I A L SECTION 2 OF 2 WARSAW 0916

8. ANOTHER FIXTURE OF THE POLISH SCENE -- THE PRIVATE FARMER -- HAS WON CONSTITUTIONAL STATUTE IN A NEW ARTICLE CONCERNING THE STATE'S ECONOMIC OBLIGATIONS. A SECTION ON AGRICULTURE CALLS, AMONG OTHER THINGS, FOR GIVING PROTECTION AND ASSISTANCE TO THE "INDIVIDUAL FARMER AND THE WORKING PEASANT." WE HAVE HEARD THAT THE ZSL DID SOME ACTIVE LOBBYING, AND THIS POINT MAY BE ONE RESULT.

9. AMONH HIGHLIGHTS OF THE SEJM DEBATE WAS JABLONSKI'S LENGTHY DISCUSSION OF THE VARIOUS LETTERS SENT TO THE

SPECIAL COMMISSION. HE ACKNOWLEDGED THE "HOSTILE" AND "ANTI-SOCIALIST" NATURE OF SOME OF THEM, WHILE STRESSING THAT THE MAJORITY WERE CONSTRUCTIVE. REFERRING OBLIQUELY  
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TO REFE, HE ASSERTED THAT, ESPECIALLY IN THE LAST DAYS AND IN PROPORTION TO THE "INTENSIFICATION OF THE HOSTILE PROPAGANDA OF FOREIGN RADION STATIONS," THERE WAS NO DEARTH OF ANTI-SOCIALIST STATEMENTS. (JABLONSKI DID NOT MENTION THAT THE SIGNER OF ONE PETITION CONTAINING A STRONG DEFENSE OF DEMOCRATIC RIGHTS WAS NONE OTHER THAN WANDA WILKOMIRSKA, THE WIFE OF POLITYKA EDITOR MIECZYSLAW RAKOWSKI.) (A CORRECTION FOR THE RECORD IS IN ORDER REGRADING THE REUTERS DESPATCH FROM WARSAW ON FEBRUARY 8 CONCERNING THE CONSTITUTIONAL DEBATE. MISLED BY A FAULTY POLISH NEWS BULLETIN TRANSLATION, REUTERS REPORTED THAT ZYCIE WARSZAWY HAD ACKNOWLEDGED THAT CRITICAL VIEWS COULD BE NUBERED "LITERALLY IN THE THOUSANDS." THE POLISH VERSION IN FACT SAID THAT SUCH VIEWS WERE MARGINAL AND COULD BE NUMBERED "PROMILLE" -- LIE IN THOUSANDTHS.)

10. THE DRAMATIC MOMENT CAME WHEN ZNAK CHAIRMAN STANISLAW STOMMA RAISED HIS HAND, AS THE ONE DEPUTY TO ABSTAIN. HE WAS CONGRATULATED AFTERWARDS FOR HIS "COURAGE" BY MANY DEPUTIES, INCLUDING EDWARD OSMANCZYK AND OTHER FROM THE PZPR. THE NEXT DAY, STOMMA TOLD A WEST GERMAN DIPLOMAT AND PERSONAL FRIEND THAT HE HAD RECEIVED NUMEROUS TELEGRAMS FROM AROUND THE COUNTRY, MANY WITH ONLY THE ONE WORD FOR "THANK YOU."

1. COMMENT: THE CONSTITUTIONAL DEBATE DURING THE PAST FEW WEEKS HAS BEEN EXTRAORDINARY. IN PRESSING ITS FUNDAMENTAL AIMS, THE REGIME HAS SHOWN FOREBEARANCE, AGILITY, AND STATESMANSHIP. PERHAPS SYMBOLIZING THIS WAS FIRST SECRETARY GIEREK'S GESTURE AT THE SEJM IN LEADING THE OTHERWISE RELUCTANT APPLAUSE OF THE LARGE COMMUNIST FRACTION, FOLLOWING ZNAK DEPUTY LUBIENSKI'S CAREFUL BUT COURAGEOUS SPEECH.

12. THE REGIME HAS WON ITS BASIC POINTS WITHOUT UNDULY ANTAGONIZING THE MAIN BODY OF MODERATE CATHOLIC OPINION AND THE CHURCH HIERARCHY. PERHAPS THE REGIME ADVANCED TOUGH POSITIONS LAST FALL ONLY AS A TRIAL BALLOON, WITH THE INTENTION OF YIELDING IF CHALLENGED. IN ANY CASE, IT HAS FUTHERED ITS IDEOLOGICAL POSITION  
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AT LEAST HALF A PACE SO AS NOT TO LAG TOO FAR BEHIND THE OTHERS IN THE WARSAW PACT. AT THE SAME TIME, THE CHURCH AND CARDINAL WYSZYNSKI HAVE ONCE AGAIN DEMONSTRATED THEIR POLITICAL MUSCLE (DETAILS OF EPISCOPATE LOBBYING REPORTED SEPARATELY BY MEMORANDUM).

13. NEVERTHELESS, STRAINS HAVE EVIDENTLY DEVELOPED AMONG CATHOLIC INTELLECTUALS AND WITHIN THE ZNAK GROUP AND BETWEEN ZNAK AND ITS LAY CONSTITUENCY (WARSAW 0748). THESE STRAINS PUT IN DOUBT THE VERY FUTURE OF ZNAK AS AN INSTITUTION. ZNAK CHAIRMAN STOMMA, WHO IS FAVORED BY THE RADICALS, HAS REPORTEDLY STATED HIS INTENTION TO RUN AGAIN FOR THE SEJM, PROVIDED HE CAN CHOOSE THE OTHER ZNAK CANDIDATES, SOMETHING THE REGIME WOULD BE RELUCTANT TO ALLOW. MOREOVER, A WIDE BODY OF INTELLECTUAL AND DISSIDENT OPINION HAS BEEN ENERGIZED AND MAY LOOK FOR OTHER ISSUES ON WHICH TO CHALLENGE THE REGIME. THE LEADERSHIP HAS SO FAR TOLERATED THE ACTIVITIES OF THE RADICALS, BUT IT IS NOT CERTAIN THAT EITHER SIDE WOULD CONTINUE TO SHOW RESTRAINT IF THE ATMOSPHERE BECAME MORE HEATED. THE CONSTITUTIONAL DEBATE HAS PASSED, BUT THE REGIME STILL FACES CRUCIAL ECONOMIC PROBLEMS THAT COULD KEEP TENSIONS HIGH. MINDFUL OF THESE PROBLEMS, IT WILL DOUBTLESS STRIVE TO AVOID ANTAGONIZING THE INTELLECTUALS. FOR ITS PART, THE CATHOLIC HIERARCHY, NOW RIDING A WAVE OF SUCCESS FOLLOWING THE CONSTITUTIONAL DEBATE AND THE APPOINTMENT OF ARCHBISHOP GULBINOWICZ, WILL ALSO SEEK TO KEEP TENSIONS TO A MINIMUM.

15. EXPLANATORY NOTE: THE TERMS "MODERATES" AND "RADICALS," IT MUST BE UNDERSTOOD, ARE RELATIVE ONES, THEY REFER EXCLUSIVELY TO TACTICS, AND NOT TO FUNDAMENTAL BELIEFS, WHICH BOTH GROUPS HOLD IN COMMON. THE QUESTION IS WHETHER IT IS BETTER TO TRY TO MITIGATE THE REGIME'S PROPOSALS BY WORKING WITH IT AND SETTLING FOR HALF A LOAF, OR WHETHER TO STAND INTRANSIGENTLY ON PRINCIPLE, RISK EVERYTHING, AND GO PROUDLY INTO THE POLITICAL WILDERNESS, IF THAT SHOULD BE NECESSARY.

DAVIES

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